

Division(s):

CABINET – 16 JULY 2019

SEND HOME TO SCHOOL TRANSPORT CABINET ADVISORY GROUP

Report by the Director for Children's Services

RECOMMENDATIONS

1. **The Cabinet is RECOMMENDED to note the recommendations of the Cabinet Advisory Group (CAG) and to identify those recommendations it wishes to adopt, reject, or postpone pending further consideration:**

CAG Recommendations:

- (a) Note there is currently no longer a need to change any existing home to school transport policies and entitlements.
- (b) Note the means for achieving the £300k savings target required from post-16 SEND home to school transport in the Medium-Term Financial Plan (MTFP) 2019/20.
- (c) Note that better collaboration with schools and process changes have identified savings and efficiencies that will be embedded into future ways of working to support continuous improvement.
- (d) Note there is currently no longer a need to consider the levy of a 'spare seat' charge for post-16 SEND pupils.
- (e) Note there is currently no longer a need to review the use of bursaries by schools, to partially offset the previously proposed change in policy.
- (f) Approve the After-School Respite Scheme proposal included in this report.
- (g) Thank the CAG for their valuable work and declare the work of the group complete.
- (h) Ask the Cabinet Member for Education and Cultural Services to write to those schools that have positively engaged with the process, to thank them for their valuable contribution.

Executive Summary

2. The SEND Home to School Transport CAG has met 7 times since October 2018 to consider the proposed changes to post-16 SEND home to school transport policies considered by Cabinet in June and July 2018 and Performance Scrutiny on the 5 July 2018.
3. The CAG asked officers to examine the current landscape for SEND home to school transport; reviewing the volume, distance, mode and cost of SEND travel. Officers worked in close collaboration with schools to map all current journeys and identify opportunities for alternate arrangements.

4. This has been successful with 14 SEND schools, meaning that savings equivalent to the 2019/20 Medium Term Financial Plan (MTFP) target of £300k for post-16 SEND home to school transport, have been identified without any current need to change existing policies and entitlements.
5. The group has also reviewed the After-School Respite Scheme and proposals for the operation of that scheme are outlined in the CAG's report.
6. We hope officers can build on this good work with more schools, embedding annual reviews into the Transport Summer Planning process, to ensure continued improvements.
7. The CAG's report was reviewed by the Performance Scrutiny Committee on 4 July 2019 ahead of consideration by Cabinet. Performance Scrutiny fully supported the recommendations of the CAG. They noted the benefits of involving councillors in the process, the potential for future savings, the efforts to improve and safeguard respite provision, and the move towards most appropriate transport provision.

Exempt Information

8. Annexes 1 and 2 are exempt for the following reasons:
It contains:
 - Information which is likely to reveal the identity of an individual.
 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that disclosure would infringe the rights of the individual to privacy

Financial and Staff Implications

9. The £300k savings identified for Post 16 SEND Home to School Transport are calculated over the school year from September 2019 – July 2020, likely to mean savings of £220k in the financial year 2019/20 and £80k in 2020/21.

Equalities Implications

10. This report is not considered to raise any equality or inclusion issues.

LUCY BUTLER
Director of Children's Services

Allyson Milward, Head of Access to Learning
July 2019

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Introduction

4. The SEND Home to School Transport Cabinet Advisory Group (CAG) was set up in response to concerns raised by Performance Scrutiny Committee, about proposed changes to post-16 home to school transport policies considered by Cabinet in June and July 2018 (a chronology of this debate is attached as Appendix 1). The CAG was asked to consider and provide advice to Cabinet on the proposed changes, in particular:
5. **Post 16:**
 - i. The discontinuation of the provision of free transport to students with Special Educational Needs & Disabilities.
 - ii. levying the 'spare seat' charge where the Council provides transport and implementing this change from September 2019.
 - iii. the setting of a specific cash limited budget for supporting access to after school clubs for those who have the most complex needs or are identified as being from vulnerable families who do not have access to transport.
6. **The CAG also considered the following motion made to Council in July 2018:**
 - iv. The Council asks the Director for Children's Services to consider, with the affected Schools' Heads and other interested parties, this issue in order to come up with other options to curtail these costs rather than withdrawing provision from these vulnerable children and their families. Such options to include working with schools to maximise the use of the maintenance grants and looking at alternative procurement - practices including better use of the integrated transport service'.

7. The CAG has met 7 times since October 2018, Terms of Reference for the CAG are attached as Appendix 2.

CAG Membership

8. **Councillors:**
Cllr Lorraine Lindsay-Gale – Conservative (Chair)
Cllr Lynda Atkins – Independent
Cllr John Howson – Liberal Democrats
Cllr Emma Turnbull – Labour
Cllr Michael Waine – Conservative
Cllr Liam Walker – Conservative

Co-opted members:

John Riches, Headteacher Bardwell School
Wendy Cliffe, SENDIASS

Officers:

Lucy Butler, Director of Children's Services
Owen Jenkins, Director of Community Operations
David Clarke/Chris Hilliard, Deputy Director for Education & Learning
Allyson Milward, Head of Access to Learning
Neil Darlington, Strategic Lead for Vulnerable Learners
Sandra Pearce, Supported Transport Manager
Andrew Richards, Support Transport Team Leader
Sarah Jelley/Amber Sparrowhawk, Senior Policy Officer

CAG Activity

Review of current SEND home to school transport provision

9. The CAG received reports on the numbers of children with SEND granted transport, and costs by mode of transport, destinations and information on home postcodes to show quantum and routes of journeys undertaken.
10. Having considered this information, the CAG has concluded the following:
 - a) A high proportion of pupils on roll at special schools receive free home to school transport. Most journeys are undertaken by minibus or car.
 - b) Total cost of SEND transport per annum is more than £11m. Currently known costs can be found in exempt Annex 1.
 - c) Numbers of pupils requiring special needs school places is increasing.
 - d) There is no special school provision in the Didcot area. Pupils with these needs are travelling long distances to use other schools around the county.
 - e) The new Bloxham Grove Academy planned to open in 2020 should mean pupils from the north of the county will attend this school with shorter journeys than currently required when travelling to Iffley Mead Academy.
11. On instruction from the CAG, county council officers worked in collaboration with schools to identify potential savings that could be delivered for the new school year, from the beginning of September 2019.

12. Work with 14 schools, has identified savings equivalent to the 2019/20 MTFP target of £300k for post-16 home to school transport; removing any current need to change existing Home to School Transport policies or entitlements. The CAG would like to take this opportunity to thank the schools that have engaged so helpfully with this process.
13. Methods of achieving these savings have been pupil centric and tailored to each pupil's needs and each school's circumstances, they include:
 - Route rationalisation – routes into 12 schools have been streamlined taking into account July leavers and, where known, the approved September starters. With the agreement of schools, better use of vehicle capacity has been achieved, although this is challenged by the long journeys some pupils travel.
 - Use of school transport – Bardwell School has agreed to use their own school minibus to support home to school transport. Each of the 14 schools visited has been encouraged by both county council officers and OASSH (Oxfordshire Association of Special School Headteachers) to consider using their own minibuses for home to school transport.
 - Utilising different modes of travel - All schools have been advised of, and encouraged to promote different modes of travel e.g. direct travel payments to parents.
14. A case study of the work done with Bardwell School is included in exempt Annex 2, to demonstrate how the proposed savings for the academic year 2019/20 have been calculated. The pupil cohort can vary during the school year, therefore costs and savings may fluctuate during the school year. Work will continue to regularly review arrangements to ensure future SEND home to school transport arrangements are as efficient and fit for purpose as possible.
15. So far, 14 out of the 16 earmarked SEND education providers, have positively engaged with this process and officers hope to engage the rest of the providers to continue this work and potentially identify further efficiencies. It is anticipated that this way of working will continue with annual reviews being embedded into the Transport Summer Planning process.

Options for an after-school care respite scheme

16. Legislation currently limits the use of home to school transport funding to be used for home to school transport only. Therefore, the CAG considered the setting up of a specific cash limited budget for supporting access to after-school clubs for those who have the most complex needs, or are identified as being from vulnerable families, and do not have access to transport.
17. Two principles were identified.
 - a) After-school clubs are not educational provision and therefore not about getting to and from school. They are predominantly about respite and therefore any policies and funding for the provision of transport for after-school clubs should be kept separate from the home to school transport policies and funding.
 - b) Any future arrangements should preserve the home to school transport policy arrangements and not differentiate between mainstream and

SEND home to school transport arrangements by funding transport to after-school clubs.

18. The CAG recommends that a cash limited respite fund be set up to allow more flexibility to in our continued support to these pupils, with criteria and principles using Education Health Care Plans as evidence of need. Proposals for the criteria are attached at Appendix 3. This will provide three benefits:
- After-school activities are not connected to travel to and from school but are connected to respite which may be provided anywhere, not necessarily at the pupil's school. This deserves a separate budget and funding.
 - Clear criteria will ensure equity of access.
 - Parents to be offered allocations on a yearly basis (rather than current termly allocations).
19. Currently approximately £60,000 is spent on provision from the home to school transport budget. CAG recommends this funding be vired from the home to school transport budget to a new respite fund. The proposal is to set the value of this fund at £75,000. This allows the fund to mitigate slightly the effect of increasing the entitlement to a duration of one academic year not one term as at present. The respite fund will be reviewed on an annual basis.

Use of bursaries

20. Given the work to identify savings, there is currently no longer a need to review the use of bursaries by schools, to partially offset the previously proposed change in policy.

Continued improvement

21. The CAG noted reports from senior officers about further work in this field to be commissioned within the council's overall transformation initiatives, ensuring continued improvement.
- a) Further savings are expected to be achieved by the long-term changes currently being drafted for overall Fleet Management by the Council as overseen by the ONE Fleet Management Project.
 - b) Further work commissioned by the SEND Home to School Transport Board will continue to implement short and medium-term savings without changes to policy. It will enable practical changes to working practices already identified and include outcomes from work to further identify anticipated patterns of future demand and cultural barriers to change and stakeholder engagement in expectations and experiences of the current system.

Links with approved SEND Sufficiency Strategy

22. The CAG noted that work continues on the Council's SEND Sufficiency Strategy, approved by Cabinet in December 2018. The policy to increase the number of SEND school and resource base places in the county is being

taken forward, and it is anticipated that the more localised provision planned will ease demands on SEND home to school transport in the future.

Conclusion and Recommendations

23. The collaboration activity endorsed by the CAG, has enabled officers and schools to take a joined up, holistic approach to mapping the current landscape for SEND home to school transport; successfully identifying efficiencies through alternate arrangements.
This has been successful with 14 SEND schools, meaning that savings equivalent to the 2019/20 MTFP target of £300k for post-16 home to school transport have been identified without any current need to change existing home to school transport policies or entitlements.
24. The CAG would like to reiterate their thanks to the schools that have engaged so helpfully with this process. They have kindly recognised the difficult situation the county council finds itself in and helped us to continue supporting our thriving communities, while ensuring all of Oxfordshire's children continue to receive the best start in life. We hope officers can build on this good work with more schools, embedding annual reviews into the Transport Summer Planning process, to ensure continued improvements.
25. In summary, the CAG makes the following recommendations:
 - (i) Note there is currently no longer a need to change any existing home to school transport policies and entitlements.
 - (j) Note the means for achieving the £300k savings target required from post-16 SEND home to school transport in the Medium-Term Financial Plan (MTFP) 2019/20.
 - (k) Note that better collaboration with schools and process changes have identified savings and efficiencies that will be embedded into future ways of working to support continuous improvement.
 - (l) Note there is currently no longer a need to consider the levy of a 'spare seat' charge for post-16 SEND pupils.
 - (m) Note there is currently no longer a need to review the use of bursaries by schools, to partially offset the previously proposed change in policy.
 - (n) Approve the After-School Respite Scheme proposal included in this report.
 - (o) Thank the CAG for their valuable work and declare the work of the group complete.
 - (p) Ask the Cabinet Member for Education and Cultural Services to write to those schools that have positively engaged with the process, to thank them for their valuable contribution.

Cllr Lorraine Lindsay-Gale
Cabinet Member for Education and Cultural Services
Chair of the SEND Home to School Transport CAG

APPENDIX 1

Proposed Changes to Home to School Transport Policies in Oxfordshire

Introduction

1. Two separate draft policies were presented to Cabinet in June 2018
 - a) Proposed Home to School Travel and Transport Policy for Reception to Year 11
 - b) Proposed Post 16 Education Travel and Transport Policy 2019/20

All proposed policy changes affected children attending mainstream school and special schools.

Chronology of Decisions Taken

CABINET – 19 JUNE 2018

The following recommendations were approved by Cabinet on 19 June 2018.

2. to agree the following proposals for SEND students:
 - (a) To agree the ending of the current arrangements giving free travel to Post 16 students who have special educational needs and/or disabilities, levying the 'spare seat' charge where the Council provides transport, and implementing this change from September 2019. In addition, it is recommended that the Cabinet agrees to continue to provide transport assistance to all Post-16 students who would otherwise be unable to access education and to encouraging low income parents of Post 16 students to apply to their school or college for a 16–19 bursary to defray the costs of transport.
 - (b) To agree to the setting of a specific cash limited budget for supporting access to after school clubs for those who have the most complex needs or are identified as being from vulnerable families who do not have access to transport. The eligibility criteria should be similar to those for supporting access to holiday activities for this group of children and young people who are aged 5 to 17.
3. to agree the following proposals for all students:
 - (a) To agree the ending of the current arrangements giving subsidised travel to Post 16 students to Henley College and to implement this change from September 2018.
 - (b) To agree that from September 2018 free travel should be provided for those students who have been placed at an alternative education provider if the places have been paid for by Oxfordshire County Council and the distance

from home to the placement is over the statutory walking distance or the route is unsafe to walk even if accompanied, as necessary, by a responsible adult.

(c) To confirm the increased charges for the Spare Seat Scheme for 2018/19 and 2019/20 and agree an increase in the charges for the Spare Seat Scheme of 2% in 2020/21, 2% in 2021/2022 and a further 2% in 2022/23.

(d) To agree to the continuation of free travel for children of secondary school age who live at RAF Benson to Icknield Community College and to agree to annually review this arrangement.

(e) To introduce the new Home to School Travel and Transport Policy for those aged 5 to 16 and the new Post 16 Home to School/College Transport Policy from September 2019.

EDUCATION SCRUTINY COMMITTEE – 18 JUNE 2018

4. Education Scrutiny Committee on 18 June had RESOLVED to:

(a) ask the Cabinet to reject recommendations (a) and (b) in relation to SEND pupils set out in paragraph 55 of the report, on the basis that it was premature to make those decisions at this point in time whilst there was both a SEND and High Block Needs Review underway of which they should be an integral part;

(b) In relation to recommendation (b) set out in paragraph 56 of the report, the Committee asked that further work and analysis be undertaken in relation to the funding for this provision.

The Committee also wished to be assured that any future proposals coming forward be underpinned by strategic rationale and that any future consultation should include all services users, currently receiving or about to receive transport.

PERFORMANCE SCRUTINY COMMITTEE – 5 JULY 2018

5. Performance Scrutiny Committee on 5 July AGREED to refer the decision of 19 June back to Cabinet on the grounds that insufficient information has been available on the impact of the proposals.

Summary of the Material Concerns

a) There is insufficient information about the impact of the Policy change on the families of post-16 SEND children and on their education.

b) The capacity of schools' and colleges' discretionary bursaries to fund additional requests for support with transport costs is not well understood, including whether this will divert funding from support to meet other needs of SEND children.

- c) There is a lack of clarity about the number of children expected to have their transport funded through bursaries and how this relates to the anticipated savings.
- d) There is insufficient information about the costs of implementing the Policy change and a breakdown of how the £300,000 saving will be achieved.
- e) The effect of the change on the Council's duties in regard to participation of all post-16 students is not clear.

COUNCIL – 10 JULY 2018

6. Council 10 July received the report from Cabinet on 19 June.
The Council also considered the motion below.
This Council believes that children with SEND should not have their transport to and from schools and associated activities cut. This Transport enhances their lives and enables their parents to work and contribute to the economy.
The Council asks the Director for Children's Services to consider, with the affected Schools 'Heads and other interested parties, this issue in order to come up with other options to curtail these costs rather than withdrawing provision from these vulnerable children and their families. Such options to include working with schools to maximise the use of the maintenance grants and looking at alternative procurement -practices including better use of the integrated transport service.
The results of this work to be considered by the Education Scrutiny Committee as part of their policy development role before being determination at Cabinet.
Council endorses the use of any reserves in the event of any shortfall in the Budget until such time as all the options have been considered.
Cabinet is requested to defer implementation of the recent changes to the home to school transport policy until these alternative options have been diligently pursued and evaluated.

The motion as amended was carried by 51 votes to 0, with 7 abstentions.

CABINET – 17 JULY 2018

7. Cabinet 17 July AGREED:
- a) The decision on transport for Special Educational Needs as originally set out above, resolution 1(a) and (b) be deferred until late Autumn school term to allow discussion;
 - b) A Cabinet Advisory Group be set up to consider the issues raised.

APPENDIX 2

SEN Home to School Transport Cabinet Advisory Group Terms of Reference

General role of the Cabinet Advisory Groups

1. Cabinet Advisory Groups (CAGs) provide backbench members with an opportunity to engage in the development of key policies at a point where they may meaningfully influence the outcome. They work to the following terms:
 - CAGs are commissioned by Cabinet in consultation with Group Leaders
 - CAGs are chaired by the relevant Cabinet portfolio holder. It is suggested that the membership is made up of 7 councillors who broadly reflect the political balance of the council.
 - Topics can be proposed by any member or scrutiny committee and must be agreed by Cabinet
 - To allow for proper support of the CAGs, there should be no more than 5 running at any one time
 - CAGs may make recommendations to Cabinet through a written statement read by the Chairman (or Vice-Chair) of the CAG, with chance for Cabinet to ask questions of the CAG.
 - It is presumed that CAGs will meet in public, however due to the nature of topics for discussion the chairman may decide to hold the CAG in private to allow for free and frank exploration of the issue.

Specific role of the SEN Home to School Transport Cabinet Advisory Group

2. The SEN Home to School Transport CAG will be made up of 6 councillors, chaired by the Cabinet Member for Education & Cultural Services. In addition, invites will be extended to SENDIASS for parent representation and participation and to a serving headteacher representing the county's special schools.
3. The group will meet monthly from October 2018 to consider and provide advice to Cabinet as per the decision in June 2018 on the proposed changes to the Post 16 SEN Home to School Transport Policy in particular:

Post 16:

- i. The discontinuation of the provision of free transport to students with Special Educational Needs & Disabilities.*
- ii. levying the 'spare seat' charge where the Council provides transport, and implementing this change from September 2019.*
- iii. the setting of a specific cash limited budget for supporting access to after school clubs for those who have the most complex needs or are identified as being from vulnerable families who do not have access to transport.*

The group when making these considerations will also take into account the motion to council in July 2018 as per below:

- iv. The Council asks the Director for Children's Services to consider, with the affected Schools 'Heads and other interested parties, this issue in order to*

come up with other options to curtail these costs rather than withdrawing provision from these vulnerable children and their families. Such options to include working with schools to maximise the use of the maintenance grants and looking at alternative procurement -practices including better use of the integrated transport service.

The group will meet to:

- Understand the current restrictions and pressures on the service as it is operating now. Including being clear about how many children on EHCP with travel more than 3 miles.
- Understand the legislation concerning Post 16 SEN transport.
- Understand how savings in the MTFP were allocated to Post 16 Sen Home to School Transport taking into consideration the wider SEND Review and Home to School Transport and explore alternative procurement practices including better use of the integrated transport service.
- Consider comparative policies from nearest statistical neighbour authorities.
- As per the council motion in July 2018, to explore alternative options, using cost modelling and future forecasting taking into consideration other areas of the home to school transport, the type of provision and seeking efficiencies.
- To consider the setting of a specific cash limited budget for supporting access to after school clubs for those who have the most complex needs or are identified as being from vulnerable families who do not have access to transport.
- To look at the current access to school or college bursaries
- To consider and assess the proposals in relation to the equalities act.

The group in its second meeting will consider:

- The wider SEN Policy strategy and how it relates to home to school transport.
- Resources, implications and impacts on implementing policy for after school club transport.
- Hear information about bursaries.

The group in its third meeting will consider:

- Alternative ways of finding savings looking at the home to school transport budget in its entirety.

APPENDIX 3

AFTER SCHOOL CARE RESPITE BURSARY SCHEME FOR CHILDREN WITH SEND.

Proposal

1. It is proposed to set up a new After School Respite Bursary Fund for children with SEND. The intention is for this scheme to offer respite to families with the most acute needs by providing one session per week per academic year at an appropriate after school club. This replaces arrangements which are neither fair, transparent or widely publicised for this type of activity.
2. The bursary scheme will operate on an annual basis and be subject to a bidding procedure to access cash limited funds. It is not an entitlement. Awards will be made by the end of the academic year for provision at the start of the following academic year.
3. Applications to be invited in June. They will be assessed against agreed criteria by the SEN Home to School Transport Officer who will prepare a formal report recommending which families will receive a bursary.
4. The report will be moderated by the Admissions and Transport Manager in CEF.
5. It is acknowledged that there is a potential tension between decisions sometimes made towards the end of the academic year by providers of after school clubs about the offer available in the next academic year and the timing of allocation of this bursary. To ensure impact of funds available is maximised a waiting list will be set up based on applications received as there is likely to be an excess of demand for these awards.
6. Funding will be vired from the Home to School Transport budget to a new fund for this purpose. Currently this budget is £60,000. The proposal is to set the value of this fund at £75,000. This allows the fund to mitigate slightly the effect of increasing the entitlement to a duration of one academic year not one term as at present.
7. The scheme will be introduced for the academic year 2020/2021 with applications invited in June 2020.
8. Criteria to be applied are as follows:
 - a. Child has an Education, Health and Care Plan which will be checked to determine child's detailed needs.
 - b. Child is a full time Oxfordshire resident.
 - c. Child is eligible for, and in receipt, of free home to school travel assistance from Oxfordshire County Council;
 - d. Child is identified as having a disability or complex need.
 - e. Evidence from parents to confirm that the family is either in receipt of the maximum level of the Working Tax Credit element of their Child Tax Credits Award (this would be shown as a zero next to Reduction Due to Income on the statement) or that their child would qualify for a free school meal, based on the family income.
 - f. Family have no means of physically transporting the child to the after-school provision or of accompanying the child if the distance is walkable.
 - g. There are other severely disabled children in the family and this has been confirmed by the child's school, GP or social worker.